2005 - 11 VICTIMS REFUSAL TO PROSECUTE

PURPOSE OF ORDER

The purpose of this order is to establish a Bureau-wide policy and a standard form for documenting cases in which a victim refuses to cooperate with the prosecution of a suspect.

SCOPE OF ORDER

This order applies to all Bureau detectives responsible for investigating and filing cases.

ORDER

Despite investigative efforts, victims may, on occasion, refuse to prosecute a known suspect in a criminal case. Detectives who encounter a victim who either refuses to prosecute a known suspect or refuses to identify a suspect shall complete a "Victim's Refusal to Prosecute" form.

Detectives shall provide the victim with the form. If the victim refuses to sign, the detective shall note the refusal on the signature line. A sergeant shall then co-sign the form as a witness.

In either case, detectives shall submit the cases to the local filing District Attorney or other prosecuting agency for filing consideration or obtain a "D.A. Reject" on all refusals to prosecute.

The original form shall be kept in the case file, and the detective shall retain a copy in their investigative file.

Area lieutenants will periodically audit cases in which the victim refused to prosecute to ensure compliance with this directive.